

LYNCH, DESIMONE & NYLEN, LLP

ATTORNEYS AT LAW
12 POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109
Telephone: (617) 348-4500
Facsimile: (617) 348-4545

JOHN M. LYNCH, P.C.
ERNEST P. DESIMONE
RICHARD A. NYLEN, JR.
FREDERICK S. GILMAN
STEPHEN W. DECOURCEY
JOHN P. CARR
SHANNON MICHAUD

OF COUNSEL

JAMES W. MURPHY
WAYNE H. SCOTT

February 22, 2010

Via Email & 1st Class Mail

Richard J. Chalpin, Regional Director
Department of Environmental Protection
Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

**Re: Commonwealth of Massachusetts vs. New Ventures Associates LLC ;
Civil Action No. SUCV2006-00790; FMF# 39545; Paragraph 27 Seventy-Two (72)
Hour Notice**

Dear Mr. Chalpin:

This office represents New Ventures Associates, LLC ("New Ventures") in the above matter. We are in receipt of your letter sent Friday afternoon, February 19, 2010 by email alleging certain violations with respect to the operation of the Crow Lane Landfill (the "Landfill"). This is the second recent letter alleging that New Ventures has failed to comply with certain requirements of the Settlement Agreement and Final Judgment. Again, there is a reference to paragraph 27 of said Settlement Agreement and the inference that the Department must take steps to address the alleged operational deficiencies at the Landfill. Finally, your letter states that the failure to comply has caused or contributed to "periodic nuisance conditions in the residential neighborhoods in the vicinity of the Landfill" without any reference to which neighborhood the Department is referring or the specific readings from any neighborhood.¹ New Ventures states that it is in compliance with the performance standards for the destruction of H₂S through the pre-treatment system established in the Settlement Agreement. Since New Ventures' last response and work performed, it has received one or two complaints that were followed up and did not exhibit readings that reflected odors.

In summary, the Landfill Gas ("LFG") System meets the performance standards for 95% destruction of H₂S required by Appendix B. The Department has not made a case for utilizing the provisions of paragraph 27 and states that there is no reason for the Department or its representatives to come on-site for the four (4) limited purposes enunciated in that paragraph.

We respond to the specific items as follows:

¹ The Department's letter references specific H₂S levels at the Landfill but none are included in any "residential neighborhood."

1. Media.

The three on-site media trailers are being rotated to meet the Appendix B performance standard prior to release into the enclosed flare. The operation of the three trailers involves the rotation of the three trailers except when one is removed for maintenance and for the introduction of new media. This is consistent with the terms of the Settlement Agreement. The 95% destruction is being met. The exceptions last week were minor and were corrected with the media exchange.

2. LFG Operations in Compliance with Appendix B.

Adjustments continue to be made to the wells in order to increase vacuum. As stated in New Ventures' January 29, 2010 response, the H₂S concentrations in two sets of wells has been dropping. The H₂S readings in the five new wells associated with the second phase of the closure have dropped from the 30k to 40k ppm range to 20k-24k ppm. These numbers will continue to be reduced over time. A sufficient flow of LFG ensures the optimum operation of the LFG system and the vacuum is sufficient to treat and incinerate emissions of H₂S in accordance with the performance standards of Appendix B. New Ventures will continue to focus on increasing vacuum.

3. H₂S Releases and FML Patching.

New Ventures worked with the Department to identify the potential source of off-gassing associated with the stormwater management measures including piping, Basin 1 and the berm. New Ventures took steps to seal the outlet pipe from the basin and backfilled the pipe for a more permanent seal. New Ventures continues to evaluate the permanent solution for the potential intersection with the drainage system.

In direct response to the Department's request, New Ventures' personnel addressed the small FML tears with patching even though the tears are not a source of alleged off-gassing. FML is repaired by welding and New Ventures has a welder so certified. Repairs are prohibited in temperatures below freezing. Repairs at this time by patches and taping are temporary.

4. Enclosed Flare.

With respect to the enclosed flare, New Ventures has worked with Grinnell Mechanical to service the blower and respond quickly to maintenance issues. The new blower was installed this month as a result of maintenance, not destruction.

5. Repair Berm at Western Section.

New Ventures will repair the eroded berm section on the western side of the Landfill this week.

6. Access Road.

New Ventures has applied asphalt grindings as cover on the access road. It will apply additional grindings as are necessary.

7. **Spare Parts for the Flare and Shut Off Valve.**

Spare parts are stored on site. The back-up arrestor to be funded out of the ("FAM") fund will arrive by the end of the month as well as the parts for the automatic shut-off valve.

8. **Thermocouple.**

The wiring conduit to the thermocouple will be secured today or tomorrow.

9. **Stack Insulation.**

New Ventures is not aware of a requirement for the stack insulation to be replaced as part of the performance standards of Appendix B since the temperature is at 1600°F.

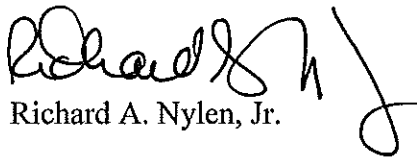
New Ventures will continue to take the necessary steps to comply with the Settlement Agreement. New Ventures requests again that the Department provide it with the data taken from the neighborhoods that supports its allegation of "nuisance conditions in the neighborhood" in the past three (3) weeks.

Finally, New Ventures requests the opportunity to meet with the Department next month to discuss the operation and maintenance requirements for the closure of the Landfill once the berm has been approved. New Ventures believes that a meeting will resolve the issues raised in this correspondence and will benefit both parties.

We remain available to discuss any of the above items.

Thank you.

Sincerely,



Richard A. Nylen, Jr.

RAN/kad
Enclosure

cc: The Honorable Donna Holaday, Mayor
Matthew C. Ireland, Esq.
Mr. William Thibeault, New Ventures Associates, LLC
Michael W. Dingle, Esq.
Mr. Michael Quatromoni
Mark R. Reich, Esq.